

At the Regular Meeting of the Greenville County Board of Supervisors, held on Monday, May 2, 2011, with Closed Session beginning at 5:00 P.M., and Regular Session beginning at 6:00 P.M., in the Board Room of the Greenville County Government Building, 1781 Greenville County Circle, Emporia, Virginia.

Present Peggy R. Wiley, Chairman
 Michael W. Ferguson, Vice-Chairman
 James C. Vaughan
 Dr. Margaret T. Lee

In Re: Closed Session

Mr. Whittington, County Administrator, stated that Staff recommended the Board go into Closed Session, Section 2.2-3711 (a) 1) Personnel and 5) Industrial Development Matters.

Supervisor Lee moved, seconded by Supervisor Vaughan, to go into Closed Session, as recommended by Staff. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Regular Session

Supervisor Ferguson moved, seconded by Supervisor Lee, to go into Regular Session. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Certification of Closed Meeting – Resolution #11-130

Supervisor Ferguson moved, seconded by Supervisor Lee, to adopt the following Resolution. A roll call vote was taken, as follows: Supervisor Ferguson, aye; Supervisor Lee, aye; Supervisor Vaughan, aye; and Chairman Wiley, aye.

RESOLUTION #11-130
CERTIFICATION OF CLOSED MEETING

WHEREAS, the Greenville County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Greenville County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law:

NOW, THEREFORE, BE IT RESOLVED that the Greenville County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Greenville County Board of Supervisors.

Chairman Wiley recessed the meeting.

Chairman Wiley reconvened the meeting at 6:00 p.m.

In Re: Approval of Agenda

Mr. Whittington stated that Staff recommended approval of the Agenda with one added item discussed in Closed Session - a Property Acquisition Matter.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve the Agenda as amended. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Approval of Consent Agenda

Mr. Whittington stated that Staff recommended approval of the Consent Agenda.

Supervisor Lee moved, seconded by Supervisor Vaughan, to approve the Consent Agenda containing the following items.

Minutes from the Meeting of April 18, 2011.

Budgetary Matters consisting of Fund #001 – Journal Voucher #81, in the amount of \$188.23 and Budget Amendment Resolution #11-131, in the amount of \$25,000.00, both of which are incorporated herein by reference.

Warrants:

Approval of Accounts Payable for May 2, 2011, in the amount of \$204,490.41

Approval of Payroll for April 29, 2011, in the amount of \$358,084.57

In Re: Public Hearing

Mr. Whittington recommended that the Board of Supervisors go into Public Hearing to solicit public comments regarding a Proposed Amendment to the Greenville County Code and the VDOT Secondary Road System regarding the Six Year Plan.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to go into Public Hearing. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Proposed Amendment to the Greenville County Code, Chapter IV-Animals and Fowls: Sections 4-1 thru 4-6 (a), (b), (c), (d), (e) and (f)

Mr. Reggie Owens addressed the Board of Supervisors stating that Staff had advertised for a Public Hearing and received no comments regarding the Proposed Amendment. He stated that Staff requested approval of the Proposed Amendment as set forth in the Agenda Packet and authorization to enter into a contract with the Town of Jarratt regarding the Proposed Amendment to the County Code.

Chairman Wiley asked if there were anyone present who was in favor of or in opposition of the Proposed Amendment. There was no one.

In Re: VDOT Secondary Road System regarding the Six-Year Road Plan

Mr. Joe Lomax, Residency Maintenance Administrator, addressed the Board of Supervisors stating that there were a lot of reorganization within the Transportation Department and that one of the duties the Residency Administrator handled before were transferred. He introduced Mrs. Sonya Hallums-Ponton as the Program Manager for the West Side which included four counties and Greenville County was one of the counties. He also stated that he was now only handling maintenance for the four counties. He further stated that another change was that the Counties now had to present the Six-Year Plan and that VDOT's Staff was only there to answer questions.

Mr. Lin Pope, Director of Planning, addressed the Board of Supervisors and gave a power point presentation regarding the list of estimated program allocations for the years of 2012 thru 2017. He stated that there was only \$44,521.00 allocated for the next six years. He reviewed the Six-Year Road Plan and Priority List at that time. Mr. Pope stated that Independence Church Road was the #1 priority and had been moved up to September, 2011 and would be ready for advertisement in the month of September, 2011. He also stated Rainey Road was removed from the list which left one road that could qualify for rural rustic funding and that road being Quarrel Road adjacent to Macedonia Baptist Church. Mr. Pope stated that if a traffic count met at least 50 car trips a day, it could qualify for the funding and that a traffic count had been ordered and Staff was waiting on the results. He stated that if the Board so wished to have the road paved, it could be done from the Rural Rustic Funding. Mr. Pope requested approval of the Priority List and Resolution #11-115 regarding the Six-Year Road Plan.

Chairman Wiley asked if there were anyone present who wished to speak in favor of or in opposition of the Six-Year Road Plan.

The Supervisors asked questions regarding the funding allotted to the County and asked if things would be getting any better in the future?

Mrs. Hallums-Ponton addressed the Board stating that a lot of the funds received from the State/Governor would go to larger localities. She stated that there were a lot of special funding sources for safety projects, enhancement projects, revenue sharing, etc. and that the County Staff could apply and try and receive more funding. She also stated that some funding required a 50% match.

More discussion was held by the Board as to the smaller counties being left out of receiving more funding. It stated that even though the citizens in the smaller localities paid taxes, the funding was steady being cut every year.

Mr. Whittington stated that the Commonwealth was getting ready to borrow \$4 billion for road transportation improvements and asked if any of the funding would see its way to Greenville County. Mrs. Hallums-Ponton stated that she could not answer that question at this time.

Mr. Whittington stated that one complaint he had heard lots of time was concerning the CSX Crossing on 301 South because of big holes. Mr. Lomax stated that VDOT had no control over the railroads and that he had contacted CSX and talked to several road masters but could not get anything accomplished. He also stated that CSX would not give him authorization to the property to fix the holes and suggested that he and the County Administrator work together to see if they could get the job fixed or even get them to respond giving VDOT permission to enter the property.

Mr. Lomax stated that VDOT had maintenance money and was trying to spread it among all four counties. He stated that there was a \$12 million base budget that was operating. He stated that Staff was getting ready to pave from Emporia to Capron (5 ½) inches and then pave what it did not get on 58 on the Westside. Mr. Lomax stated that there were a host of secondary

roads to get and that Keith was working on wedging the front backs. He stated that Staff would also be working on replacing a lot of pipes next year, guard rails, signs, and sidewalks. Mr. Lomax stated that the contract was back up for bid and there would be three cuttings on the secondary road next fiscal year instead of two. He stated that there would be at least two cuttings behind the ditch line. He also stated that the grass cutting contract had to be bid back out and should receive the pre-bids back next week. Mr. Lomax stated that hopefully they would start cutting by June.

Chairman Wiley stated that she had spoke with Jerry Kee concerning a handicap child sign on the curve of Purdy Road. Mr. Lomax stated that a sign reading school bus ahead could possibly be placed there but at the moment there was not a handicap sign in that location. He stated that he would give Mrs. Wiley a call and set up a time where he could look at the location himself. Mr. Pope stated that he would also address the situation at the Safety Transportation Meeting on Tuesday night.

In Re: Regular Session

Mr. Whittington stated that Staff recommended the Board return to Regular Session.

Supervisor Ferguson moved, seconded by Supervisor Lee, to return to Regular Session. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: VDOT Six Year Road Plan

Mr. Ferguson moved, seconded by Supervisor Vaughan, to approve the Six-Year Road Plan as submitted. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

Mr. Whittington asked Mr. Pope about Resolution #11-136- Rural Rustic Road Project.

Mr. Lomax stated that it was regarding whether the Board of Supervisors wanted VDOT to pave and cover Quarrel Road without having it by right-away, without having to buy new territory and have an expense of about \$1.5 million for a mile when about a mile and ½ could be covered for approximately \$400,000. He then requested that the Board of Supervisors approve Resolution #11-136 to convert the road to rural rustic to enable VDOT to design and get it ready in house.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve Resolution #11-136. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Proposed Amendment to the Greenville County Code

Supervisor Lee moved, seconded by Supervisor Ferguson, to approve the Amendment for the Town of Jarratt regarding the contract with the Town of Jarratt Animal Leash Law. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Citizens Comments

Mrs. Martha Swenson, Commissioner of the Revenue addressed the Board of Supervisors and read a letter into record. A copy of which is incorporated herein by reference. She stated that the letter regarded the amount of revenue that the Commissioner's Office brought into the County and that she really needed the help that already existed in her office to continue bringing in the amount of revenue it had in the past. Mrs. Swenson stated that it was brought to her attention by the County Administration that her Staff should not be assisting the taxpayers with State Income Taxes or State Sales Tax from which the County received revenue. She asked that the Board consider letting her keep the remaining Staff she now had in order to keep the revenue from being reduced due to understaffing and an increasing workload in her office.

Mr. Whittington stated that he would like to make a correction to Mrs. Swenson's comments which were that she was told by County Administration not to pursue State Sales Tax or State Income Tax Returns. He stated that the conversation had never been held before but there were a conversation regarding Federal Income Taxes which was not a requirement of the Commissioner of the Revenue.

Chairman Wiley asked if there were any other comments. There was not.

In Re: Sharing of Line of Duty Act Costs between Localities: Resolution #11-132

Mrs. Brenda Parson, Finance Director addressed the Board stating that the Resolution would allow the County to share in the expense of the Emporia Fire Department and the Greenville Volunteer Rescue Squad. She stated that since both were located in the City, the City would be covering the organizations and the following Resolution would authorize the County to reimburse the City for the County's share.

RESOLUTION #11-132
THE SHARING OF LINE OF DUTY ACT COSTS BETWEEN LOCALITIES

WHEREAS, the City of Emporia and Greenville County intend to cover the members of the Emporia Volunteer Fire Department and Greenville Rescue Squad under the Line of Duty Act Program, and;

WHEREAS, the City of Emporia and Greensville County have agreed to share in the costs of providing Line of Duty Act benefits, and;

WHEREAS, the City of Emporia will include the total costs of providing these benefits in its annual budget, and;

WHEREAS, the City of Emporia will invoice Greensville County for its share of costs, and;

WHEREAS, the apportionment of costs for the Emporia Volunteer Fire Department will be determined per the existing contract between the City of Emporia and Greensville County and the apportionment of costs for the Greensville Volunteer Rescue Squad will shared equally, and;

WHEREAS, the City of Emporia and Greensville County sincerely appreciates the service provided by all members of the Emporia Volunteer Fire Department and Greensville Volunteer Rescue Squad;

NOW, THEREFORE, BE IT RESOLVED that the Greensville County Board of Supervisors hereby approves sharing in the costs of providing Line of Duty Act benefits for the Emporia Volunteer Fire Department and Greensville Volunteer Rescue Squad with the City of Emporia.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to approve Resolution #11-132. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Approval of School Budget for FY2012: Resolution #11-133

Mrs. Parson addressed the Board of Supervisors and stated that Staff recommended approval of the following Resolution in accordance with State Code.

RESOLUTION #11-133
APPROVAL OF GREENSVILLE COUNTY SCHOOL BUDGET FOR FY2011-2012

WHEREAS, the Greensville County School Board, on March 28, 2011, adopted a budget for the 2011-2012 fiscal year; and

WHEREAS, the Code of Virginia, 1950, Section 22.1-93, states that the governing body of a County shall approve an annual budget for educational purposes by May first or within thirty days of the receipt by the County of the estimates of state funds, whichever shall occur later.

NOW, THEREFORE, BE IT RESOLVED that the Greensville County Board of Supervisors approves a budget consisting of \$6,561,900 in local funds of which \$3,315,021 is

projected to be the County of Greenville share and \$3,246,879 is projected to be the share of the City of Emporia.

Supervisor Ferguson moved, seconded by Supervisor Lee, to approve Resolution #11-133 in accordance with State Code. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Re: Southside Virginia Education Center Phase III

Mrs. Parson addressed the Board of Supervisors and requested approval of the Resolution authorizing Staff to proceed with the financing of Phase III with Rural Development and authorize the County Administrator to execute all related documents.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to approve Resolution #11-134 and to authorize the County Administrator to execute all related documents. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Washington Park Community Center Project Financing: Resolution #11-135

Mrs. Parson addressed the Board and stated that Staff recommended approval of the following Resolution which would approve Rural Development financing and authorization of the County Administrator to execute all related documents.

RESOLUTION APPROVING THE FINANCING OF THE WASHINGTON PARK COMMUNITY CENTER PROJECT THROUGH A LEASE FINANCING ARRANGEMENT, AND OTHER RELATED ACTIONS

WHEREAS, the Board of Supervisors (“Board of Supervisors”) of Greenville County, Virginia (the “County”) has determined that the County has an immediate need for the acquisition, construction, furnishing and equipping of the Washington Park Community Center (the “Project”);

WHEREAS, the Board of Supervisors has requested the Industrial Development Authority of Greenville County, Virginia (the “Authority”) apply to the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture (“RHS”), for financing the Project and RHS has, subject to the fulfillment of certain conditions, indicated its willingness to provide financing for the Project;

WHEREAS, there has been presented to the Board of Supervisors a plan for lease financing of the acquisition, construction, furnishing and equipping of the Project involving issuance of the Authority’s Lease Revenue Bond (Washington Park Community Center Project), Taxable Series 2011A (the “Series 2011A Bond”), in a maximum principal amount of \$442,720,

which would not create debt of the County for purposes of the Virginia Constitution; and

WHEREAS, the Series 2011A Bond will be issued pursuant to the following documents (collectively, the “Basic Documents”): (i) a Bond Purchase Agreement among the Authority, RHS and, for the purposes of consenting thereto, the County, with the form of the Series 2011A Bond attached thereto; (ii) a Deed of Lease from the County to the Authority; (iii) a Financing Lease from the Authority to the County (the “Financing Lease”); (iv) an Assignment of Rents and Leases between the Authority and RHS; and (v) a Support Agreement among the Authority, the County and RHS (the “Support Agreement”);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF GREENSVILLE COUNTY, VIRGINIA:

1. **Financing Assistance by the Authority.** The Board of Supervisors hereby approves and confirms its request to the Authority to take all such further actions as may be necessary or convenient in order to issue the Series 2011A Bond in the maximum principal amount of \$442,720 to RHS, as soon as practicable, to provide financing for the Project, to be paid from revenues derived from payments made by the County pursuant to the Financing Lease.

2. **Authorization of Basic Documents.** The Series 2011A Bond and the Basic Documents are approved in substantially the forms on file with the County Administrator, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the Chairman, the Vice Chairman or the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Basic Documents to which the County is a party. The execution and delivery of and performance by the County under the Series 2011A Bond and the Basic Documents to which the County is a party are authorized.

3. **Execution of Documents.** The Chairman, the Vice Chairman and the County Administrator, or any one of them, are authorized to execute on behalf of the County the Basic Documents to which the County is a party, and, if required, the Clerk and Deputy Clerk of the Board of Supervisors are authorized and directed to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. The Chairman, the Vice Chairman, the County Administrator and the Director of Finance, any one or more of whom may act, and such officers, employees and agents of the County as any of them may designate, are each authorized to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

4. **Nature of Obligations.** Nothing in this Resolution, the Series 2011A Bond or the Basic Documents shall constitute a debt of the County, and the Authority shall not be obligated to make any payments under the Series 2011A Bond or the Basic Documents except from payments made by or on behalf of the County under the Financing Lease. The Project is hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County during the term of the Financing Lease. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual

appropriations in future fiscal years in amounts sufficient to make all payments under the Financing Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Financing Lease. The County Administrator is directed to submit for each fiscal year a request to the Board of Supervisors for an appropriation to the Authority for an amount equal to the rental payments coming due under the Financing Lease for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this Resolution and the Support Agreement shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this Resolution, the Series 2011A Bond or the Financing Lease shall constitute a pledge of the full faith and credit of the County.

5. Effective Date. This Resolution shall take effect immediately.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to approve Resolution #11-135 and authorize the County Administrator to execute all related documents. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Utility Contract with Timmons

Mr. Whittington stated that the item was a Proposed Utility Contract with Timmons. He stated that Staff recommended approval subject to the contract meeting the requirements of Rural Development. He also stated that the contract was for the expansion of the Three Creek Sewage Treatment Plant in the amount of \$1,340,000.

Supervisor Vaughan moved, seconded by Supervisor Lee, to approve the Utility Contract with Timmons. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Southside Virginia Education Center Board of Directors Appointment

Mr. Whittington stated that if the Board of Supervisors had no one to nominate at this time to the Board of Directors, Staff would asked that the matter be deferred.

Supervisor Ferguson moved, seconded by Supervisor Vaughan, to defer the item. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

In Re: Miscellaneous Matters

Various Departmental Reports and Staff Work Programs were prepared for the Board's review and comments.

Chairman Wiley asked if anyone had any questions. There were none.

In Re: Adjournment

With there being no further business, Supervisor Ferguson moved, seconded by Supervisor Lee, to adjourn the meeting. Voting aye: Supervisors Ferguson, Lee, Vaughan and Chairman Wiley.

Peggy R. Wiley, Chairman

K. David Whittington, Clerk